

## GOVERNMENT OF ANDHRA PRADESH

### ABSTRACT

Public Services – Treasuries and Accounts Department – Pension Payment Offices, Hyderabad – Excess payment of pension to Late Sri Majeed Khan, holder of PPO No.PHSP001266 – Departmental Proceedings initiated against Retired Officers/in Service Officers of PPO Unit of Treasuries and Accounts Department – Disciplinary action against Smt. Noorus Saba Qureshi Accounts Officer (Retd.) – Charges not proved in the Enquiry – Further action dropped - Orders – Issued.

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### FINANCE (ADMN.I.VIG.) DEPARTMENT

**G.O.Rt.No. 3226**

**Dated: 27-08-2009**

**Read the following:-**

1. DTA Lr.No. KII (8)/9823/2002, dt. 01-05-2004.
2. DTA Charge Memo. No. KII (8)/9823/2002-5 dated 26-04-2004 issued to Smt. Noorus Saba Qureshi, the then JAO O/o the APPO, Tarnaka now Accounts Officer (Retd.).
3. Statement of defence of Smt. Noorus Sabha Qureshi, A.O. (Retd.) dt. 20-5-04.
4. DTA Proceedings No. KII (8)/9823/2002, dated 22-5-2004.
5. DTA Proceedings No. KII (8)/9823/2002, dated 22-5-2004.
6. Enquiry Report of Dr.P.Brahmananda Rao, CAO and Inquiry Officer, dt.18-5-2005.
7. DTA Proceedings No. KII (8)/9823/2002, dated 02-02-2007.
8. Explanation of Smt. Noorus Sabha Qureshi, A.O. (Retd.) dt. 01-03-2007.
9. DTA Lr. No. K II (8)/9823/2002, dated 20-07-2007.
10. Govt. Memo.No.11710/176/Admn.I/A2/2004, dated 01-08-2007.
11. DTA Lr.No. KII (8)/9823/2002, dt. 28-03-2008.
12. APAT Order dt.16-7-2009 in O.A.No.9132/2008 filed by Smt.Noorus Sabha Qureshi, A.O. (Retd.).

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### ORDER:

The Director of Treasuries and Accounts, in the reference 1<sup>st</sup> read above, reported that during the year 1984, due to reduction of age of superannuation from 58 to 55 years, Sri M.A.Majeed Khan, Head Constable was deemed to be retired from service **w.e.f. 30-09-1983**. The Audit Officer, L.F. Audit, Hyderabad has fixed his pension initially at Rs.304/-p.m. w.e.f. 01-10-1983 vide PPO No.POL/Hyd/SP.001233. In the mean time, Government have revised the age of retirement again from 55 to 58 years. By virtue of the Govt. Policy, the employee who were left with service were reinstated into service and those who have completed (58) years by that time have been given the benefit of service and pension has been calculated as on the revised date of retirement. Thus, the date of retirement on attaining the superannuation of (58) years in respect of Sri M.A.Majeed Khan, Head Constable was reckoned as 30-09-1986. Due to change of his date of retirement, the Audit Officer, L.F. Audit, Hyderabad has revised his pension in Revise Pay Scales 1986 and fixed at Rs.644/-p.m., with effect from 01-10-1986, vide Amendment Order No.34298/243/N4/87 dt.14-12-1987. As per G.O.Ms.No.75 dated 07-03-1990 90% D.R. consolidation is applicable to those who have retired on or before 30-06-1986. Whereas Sri M.A.Majeed Khan, Head Constable was retired on 30-09-1986, but was wrongly allowed 90% D.R. Consolidation in pension and re-fixed his pension at Rs.1271/- p.m. w.e.f.01-10-1986 on 24-04-1992 and authorization has been issued to Bank. This wrong fixation was pointed out by the Residential Audit Officer during the year 1994 and issued Half Margin Note No.RASN/PPO/M.J.Road/94-95 dtd.31-08-1994 to the APPO, Spl.Cell and advised to refer the case to the Director of Local Fund Audit to confirm the correctness and in case, if the fixation is found wrong, the excess paid

pension should be recovered from the pensioner. The note was marked to G2 Clerk on 31-08-1994 for discussion in the matter. No action was taken on the Half Margin for conformation of the excess payment through the Director of Local Fund, Hyderabad and the excess payment was continued. Subsequently, Government have introduced payment of pensions compulsory through Bank in entire state, vide G.O.Ms. No.213, Finance (PSC) Department, dated 19-12-1997. By virtue of these orders, the Pension Payment Order in respect of Sri M.A. Majeed Khan, Head Constable (Retd.) was transferred from APPO, Spl. Cell, M.J. Road to APPO, Tarnaka during the month of 10/1998, since the pension payee Bank comes under jurisdiction of APPO, Tarnaka. The A.G's Residential Audit Officer conducted regular audit during January 2000 and pointed out about the pending Half Margin Audit Objection, which was issued on 31-8-1994 to APPO, Spl. Cell, M.J. Road, Hyderabad. On the advise of the Residential Audit Officer, the APPO, Tarnaka has started recovery of excess payment of service pension w.e.f. 01-06-2000 @ Rs.1373/- p.m. and an amount of Rs.43,516.59 has been recovered out of the total amount of Rs.2,02,565/- leaving a balance of Rs.1,59,048.41 which cannot be recovered due to demise of the pensioner. Hence, the improper action has resulted in excess payment of pension.

2. Departmental Proceedings were initiated against Smt. N.S.Qureshi, the then JAO O/o the APPO, Tarnaka, Secunderabad now Accounts Officer (Retired) along with others of PPO Unit of Treasuries and Accounts Department who were allegedly responsible for the excess payment of pension to Late Sri M.A.Majeed Khan, holder of PPO No.POL/Hyd/SP.001233. The following Charge was framed against Smt. N.S.Qureshi, the then JAO O/o the APPO, Tarnaka now Accounts Officer (Retired).

***“That Smt. N.S.Qureshi, the then Junior Accounts Officer O/o APPO, Tarnaka and presently A.O. O/o the Commissioner of Disable Welfare, A.P., Hyderabad while working as JAO O/o APPO, Tarnaka, during the period form 10/93 to 2/95, 10/98 to 12/2001 has failed to follow the instructions of the Resident Audit party of A.G., A.P., Hyderabad issued in half margin dated 31.8.1994 regarding non-eligibility/wrong fixation of pension under G.O.75, dated 7-3-1990 and later it was also confirmed by the Local Fund Audit Department, who is the pension sanctioning authority in respect of Sri Abdul Majeed Khan, holder of PPO No. Pol./Hyd/SP001266 listed in the statement enclosed to the statement of Imputations, and thereby given scope for excess payment of pension beyond the eligibility and was responsible for a loss of Rs.12,874/- to the Government exchequer. Had she acted upon its initial detection of wrong fixation by Resident Audit Party the excess payment would have avoided without any further increase of excess payment.***

***Thus, Smt. N.S.Qureshi, A.O. (Retd.), the then JAO O/o the APPO, Tarnaka, and presently presently A.O. O/o the Commissioner of Disable Welfare, A.P., Hyderabad by the above mentioned act has exhibited lack of devotion to duty and conduct unbecoming of a Government Servant and thereby contravened Rule 3 (1) & (2) of A.P. Civil Service (Conduct) Rules, 1964.***

3. In her defence statement, while denying the article of charge framed against her. she has requested to drop the charge on the following grounds:

- i. She has worked as JAO, O/o APPO, Special Cell, JD, PPO, M.J. Road, Hyderabad during 10/93 to 2/95. During the said period, regular monthly

payments of ten thousand pensioners was checked by the JAO. Every month the said monthly pensioners advices were put up by the concerned Accountants for auditing along with computer PPOs only and not with the original PPOs as per instructions.

- ii. Excess payment of pension was made by the concerned Accountant who has received the AG's Half Margin letter dated 31-08-94. The said letter was received by the Accountant and kept in the original PPO without taking any action. She, the then JAO was not aware of the issuance of half margin memo dated 31-08-94 by the RAP. When she was not shown the half margin letter of RAP, how it is possible for me to take action in the matter.
- iii. Being the APPO, Tarnaka during 10/98 to 12/2001, paid pension as per G.O.Ms. No.213 to Abdul Majeed Khan, PPO of whom was transferred from APPO, Spl. Cell during the year 1998 to APPO Tarnaka without checking proper record of the pensioner by the concerned Accountant, JAO and the APPO, Spl Cell of JD, PPO, Hyd.
- iv. Excess payment was noticed by the Inspection Party of AG AP during 1/2000 and informed concerned Accountant by the Audit Party for recovery towards excess payment from the pensioner and instructed the APPO Tarnaka to take consent letter from the pensioner to effect monthly recovery. Staff of Office was deputed to pensioner's house many times but pensioner was not available in his house. Recovery effected from 6/2000.
- v. APPO, Tarnaka not received final rectification report for the year 1999/2000. Oral instructions were given to the seat worker for effecting continuous recovery. Rs.27,007/- recovered from the pensioner and DD for RS.16,509/- was obtained from the concerned Bank and credited into Govt. Accountant by APPO, Tarnaka.

**4. The DTA being the disciplinary authority** has ordered to conduct a regular enquiry as per the procedure laid down under Rule 20 of A.P. Civil Services (CC&A) Rules 1991 by appointing Dr.P.Brahmananda Rao, CAO O/o the DGP, A.P., Hyderabad as Enquiry Officer.

**5. Dr.P.Brahmananda Rao, CAO O/o the DGP, A.P., Hyderabad and Enquiry Officer has furnished his report vide reference 6<sup>th</sup> read above. The Enquiry Officer, in his report has stated that** During the examination of witnesses, it was stated by the witnesses that during the period from 10/93 to 2/95, the Charged Officer worked in Special Cell as Junior Accounts Officer and from 10/98 to 12/2001 as APPO, Tarnaka. The Charged Officer has stated that G-2 Accountant Sri Ramesh has not brought to her notice about the endorsement made by the then APPO on the objections of Resident Audit Party, O/o Accountant General, A.P., Hyderabad dated 31-08-1994. Thus, in the absence of communication of Resident Audit Party, O/o Accountant General, A.P., Hyderabad objection about wrong consolidation/excess payment, and in the absence of any caution recovery on the computer PPO of Sri Abdul Majeed Khan, the Charged Officer cannot be held responsible for excess payment and that has she acted upon its initial detection of wrong fixation by Resident Audit Party, O/o Accountant General, A.P., Hyderabad, the excess payment would have avoided without any further increase of excess payment is not proved.

**6. The DTA vide reference 7<sup>th</sup> read above, has furnished a copy of the report of Enquiry Officer to Smt. Noorus Saba Qureshi, Accounts Officer (Retd.) to submit her representation if any on the findings of the Enquiry Officer.**

7. **Smt. Noorus Saba Qureshi, Accounts Officer (Retd.) in her representation** has requested to drop further action against her as the charge framed against her not proved in the inquiry.

8. In the meanwhile the Charged Officer, Smt. Noorus Saba Qureshi, have retired from the service on attaining the age of superannuation. The DTA, vide reference 9<sup>th</sup> read above, has forwarded her case to the Government for taking further action against her under Rule 9 of A.P. Revised Pension Rules, 1980 as the Government is alone competent to take action against Retired Government servants.

9. Government, after careful examination of the entire case observed that the Enquiry Officer has not mentioned about the recovery of the loss caused to the exchequer and not apportioned the loss among the Charged Officers against whom the Charges were proved. The DTA in his letter dated 05-12-2008 has informed out of pecuniary loss of Rs.2,02,565/- an amount of Rs.43,516-59 has been recovered from the deceased pensioner leaving balance of Rs.1,59,048-41 to be portioned between **Sri K.Venugopal, A.O.(Retd), Sri Gulam Ahmed, AAO (Retd) and Sri A.K.Patil, Senior Accountant, who were found to be mainly responsible in the case, due to misinterpretation of G.O.Ms.No.75 dtd.07-03-1990, wherein 90% D.R Consolidation is applicable to those who have retired on or before 30-06-1986.**

10. As the matter stood at stage, Smt.N.S.Qureshi filed O.A.No.9132/2008. The Hon'ble APAT, dated 06-07-2009 in its orders observed that "on the ground of delay and on the ground of discrimination, the O.A., is liable to be allowed and the impugned order is liable to be set aside. Accordingly, the impugned order issued by the second respondent dt: 26-04-2004 is set aside and the respondents are directed to release the pensionary benefits of the applicant including Gratuity, Commutation of pension and final pension within a period of four weeks from the date of receipt of a copy of this order. With these directions, the O.A is allowed"

11. Government, after careful consideration of the material on record i.e. Charge Memo. defence statement, finding of the Inquiry Authority, explanation of the Charged Officer to the Show Cause Notices, orders of Hon'ble APAT, hereby drop further action against her as the charge framed against her is not proved in the enquiry.

12. The Director of Treasuries and Accounts, Hyderabad shall take necessary further action in the matter to release pensionary benefits due to her immediately.

13. The G.O. is available on Internet and can be accessed at the address <http://www.goir.ap.gov.in>.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**SHAMSHER SINGH RAWAT  
SECRETARY TO GOVERNMENT (FP)**

To  
The individual through Director of Treasuries and Accounts, AP, Hyderabad.  
The Director of Treasuries and Accounts, AP, Hyderabad.  
The Joint Director, PPO, Hyderabad.  
SF/SC

**//FORWARDED::BY ORDER//**

**SECTION OFFICER**